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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,024	07/09/2003	Barry S. Boggess	22823.00	8724

37833 7590 03/29/2005

KENNETH W. MOODY
2136 7TH AVE SW
PUYALLUP, WA 98371

EXAMINER

BALSIS, SHAY L

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/615,024

Applicant(s)

BOGGESE, BARRY S.

Examiner

Shay L Balsis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 9-11 rejected under 35 U.S.C. 103(a) as being unpatentable over Nichols (USPN 1712579) in view of Nichols, Jr. (USPN 3968535) and in view of Burr et al. (USPN 6112367).

Nichols ('579) teaches a reciprocating squeegee tool comprising a handle (claims 1,5, figure 2, element 1) with a housing having a first and second opposite ends. A mechanical reciprocator (claims 1, 5, figure 1, element 2-9) is located in the handle. There is a hollow elongated shaft (claim 1, figure 1, element 16) having a proximal and distal end wherein the proximal end is connected to the second opposite end of the housing. A squeegee (claim 1, figure 7) is connected to the shaft by means of a connector rod (claim 1, figure 2, element 14). The connected rod is located inside the shaft wherein one end of the rod is connected to the reciprocator and the other end is connected to the squeegee head. There is a power supply (claim 3, figure 2, element 2) to drive the mechanical reciprocator. The power supply is connected to the reciprocating means via a re-coiling power line (claim 10, figure 2, not labeled but best shown by element 20). The mechanical reciprocator causes the squeegee head to reciprocate between a first position and second position in a linear direction along the hollow elongated shaft (lines 97-101). Nichols ('579) teaches all the essential elements of the claimed invention however fails to teach a cleaning fluid delivery tube attached to a sprayer member (claims 1, 2, 4, 5). Additionally, Nichols ('579) fails to teach a 55-gallon drum to hold the cleaning fluid (claim 9) and Nichols ('579) also fails to teach a 14-gauge wire connecting the power

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supply and the reciprocating means (claim 11). Nichols ('579) also fails to teach a squeegee head comprising a carrier, a wiper blade and a porous material wherein the wiper blade and porous material are disposed oppositely on the carrier (claim 1).

With regards to claims 1, 2, 3, 4, 5, 9-10, Burr teaches a window cleaning device comprising a squeegee (figure 1, element 15) and a cleaning fluid supply line (figure 1, element 7) attached to a sprayer (figure 1, element 17). The cleaning liquid is stored at a remote location in a reservoir (claim 9). While Burr is silent as to the size of the cleaning liquid reservoir however it would have been obvious to use a reservoir that held 55 gallons of cleaning fluid since changing size is a modification that has been considered to be within the level of ordinary skill in the art to follow. *In re Rose*. 105 USPQ 237, 240. Additionally, a larger tank is beneficial since it would have to be refilled less often. It would have been obvious to one of ordinary skill in the art at the time the invention was made to attach a sprayer to the window cleaner of Nichols ('579) such as the one taught by Burr so as to increase the cleaning capabilities of the Nichols ('579) window cleaner.

Additionally, with regards to claims 1 and 5, Nichols ('535) teaches a windshield cleaning tool holder commonly known in the art, comprising a squeegee comprising a wiper blade (figure 1, element 30) and a porous material (figure 1, element 60) located on a carrier (figure 1, element 12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the squeegee of Nichols ('579) with the squeegee head as taught by Nichols ('535) so that the window cleaner could be used to better clean the windows since the porous material could be used to wash dirt, bugs and other accumulations off the window while the wiper blade could be used to wipe the excess moisture from the sponge cleaned glass. Additionally, Nichols ('579) teaches replaceable heads to accomplish more than one cleaning job (page 2, lines 68-96), however it would have been obvious to combine the various heads so that the heads could do multiple tasks and would not have to

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be changed so frequently. Nichols ('535) teaches using combined tools on one head to accomplish many tasks in a shorter amount of time (col. 1, lines 33-59; col. 2, lines 63-68).

With regards to using a 14-gauge power line as claimed in claim 11 at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to 14-gauge wire because Applicant has not disclosed that 14-gauge wire provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either the wire as taught by Nichols ('579) or the claimed 14-gauge wire because both wires perform the same function of sending power from the motor to the mechanical reciprocator equally well. Therefore, it would have been obvious to one of ordinary skill in the art to modify Nichols ('579) to obtain the invention as specified in claim 11.

3. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nichols ('579) in view of Nichols, Jr ('535) in view of Burr et al. as applied to claim 5 above and further in view of Kenney et al. (USPN 6367658).

Nichols ('579) in view of Nichols ('535) and Burr et al. teaches all the essential elements of the claimed invention as stated above in paragraph 2. Claims 6-8 are essentially different from the apparatus of Nichols ('579) in view of Nichols ('535) and Burr et al in reciting a timer and a money receiving means (claim 6). Kenney teaches a windshield washer fluid dispensing system comprising a coin/credit receiving means (figure 1, element 10) (claims 6, 7). Money is inserted into a slot and windshield wiper fluid is dispensed for an allotted amount of time. The fluid is pumped from the reservoir (figure 1, element 4) (claim 8) to the spray member (figure 1, element 20) (claim 8). It would have been obvious to use the timer and money-receiving means as taught by Kenney on the

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invention of Nichols ('579) in view of Nichols ('535) and Burr et al so that the power and the amount of fluid used can be regulated during each use.

4. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nichols ('579) in view of Nichols ('535) and Burr et al. as applied to claim 5 above and yet further in view of Peterson (USPN 6715692).

Nichols ('579) in view of Nichols ('535) and Burr et al teach all the essential elements of the claimed invention as stated above in paragraph 2. Claims 12-13 are essentially different from the apparatus of Nichols ('579) in view of Nichols ('535) and Burr et al in reciting a recoiling fluid supply line that connects the container to the spraying means. Peterson teaches a dispensing apparatus for dispensing cleaning fluid for washing windows (figure 1). The containers of fluid are connected to the sprayer by means of a recoiling hose (figure 4, element 241) (claims 12, 13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a recoiled hose as a fluid supply line thus saving space because a recoiled hose takes up less space than a non-coiled hose and prevents kinks or tangling from occurring.

With regards to claim 13's limitation that the container is a drum capable of holding 55 gallons of cleaning fluid, Nichols ('579) in view Nichols ('535) and Burr et al as well as Peterson are silent as to the size of the cleaning liquid reservoir however it would have been obvious to use a reservoir that held 55 gallons of cleaning fluid since changing size is a modification that has been considered to be within the level of ordinary skill in the art to follow. *In re Rose*. 105 USPQ 237, 240. Additionally, a larger tank is beneficial since it would have to be refilled less often.

5. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nichols ('579) in view of Nichols, Jr ('535), Burr et al. and Kenney et al. (USPN 6367658).

Nichols ('579) in view of Nichols ('535) and Burr et al. teaches all the essential elements of the claimed invention as stated above in paragraph 2. Claims 14-16 are essentially different from the apparatus of Nichols ('579) in view of Nichols ('535) and Burr et al in reciting a timer and a money receiving means (claim 14) and a housing comprising a pump, a timer and a power supply (claim 15). Kenney teaches a windshield washer fluid dispensing system comprising a coin/credit receiving means (figure 1, element 10) (claim 14). Money is inserted into a slot and windshield wiper fluid is dispensed for an allotted amount of time. The fluid is pumped from the reservoir (figure 1, element 4) (claim 14) to the spray member (figure 1, element 20) (claim 14). The pump, timer and power supply are all located in a housing (figure 1, element 14) (claim 15). The pump and timer are located in separate housing than the power supply (element 12) (claim 16). It would have been obvious to use the timer and money-receiving means as taught by Kenney on the invention of Nichols ('579) in view of Nichols ('535) and Burr et al so that the power and the amount of fluid used can be regulated during each use.

Response to Arguments

6. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection since the applicant added a new limitation to the independent claims.

The applicant is correct in stating that Nichols ('579) does not disclose a unitary squeegee head having both a wiper blade and porous material or sponge. However the Examiner then goes to the teaching of Nichols ('535) to show that it is well known in the art to have squeegee heads comprise both a wiper blade and a sponge material. The combination of these references teach the claimed invention.

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The applicant also states that Nichols ('579) does not teach that the squeegee is reciprocated linearly. However it is clear from figures 1 and 2 and also page 1, lines 97-101 and page 2, lines 92-96 of the Nichols ('579) reference that the rod member (14) reciprocates backwards and forwards over the face of the window.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on 571-272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Slb
3/22/05


JOHN KIM
SUPERVISORY EXAMINER
GROUP 1700